Reif, Maizie L - DNR

From: Holtz, Bradley P - DNR
Sent: Wednesday, December 21, 2016 9:37 AM
To: Joslin, Richard R - DNR
Subject: FW: Manure spill 9-12
Attachments: 20160912_074210.jpg; 20160912_074216.jpg; 20160912_074449.jpg

Categories: WORK - Important

Rich,

Here is what I received from Dairy Dreams regarding the September spill.

Regards,

Brad Holtz, CCA
Wisconsin Department of Natural Resources
Agricultural Runoff Management Specialist
2984 Shawano Ave. Green Bay, WI 54313
(☎) phone: (920) 662-5407
(☎) fax: (920) 662-5413
(✉) e-mail: bradley.holtz@wisconsin.gov
Follow the DNR on Twitter: http://www.twitter.com/WDNR
Find the DNR on Facebook: http://www.facebook.com/WIDNR
Watch the DNR on YouTube: http://www.youtube.com/WIDNRTV

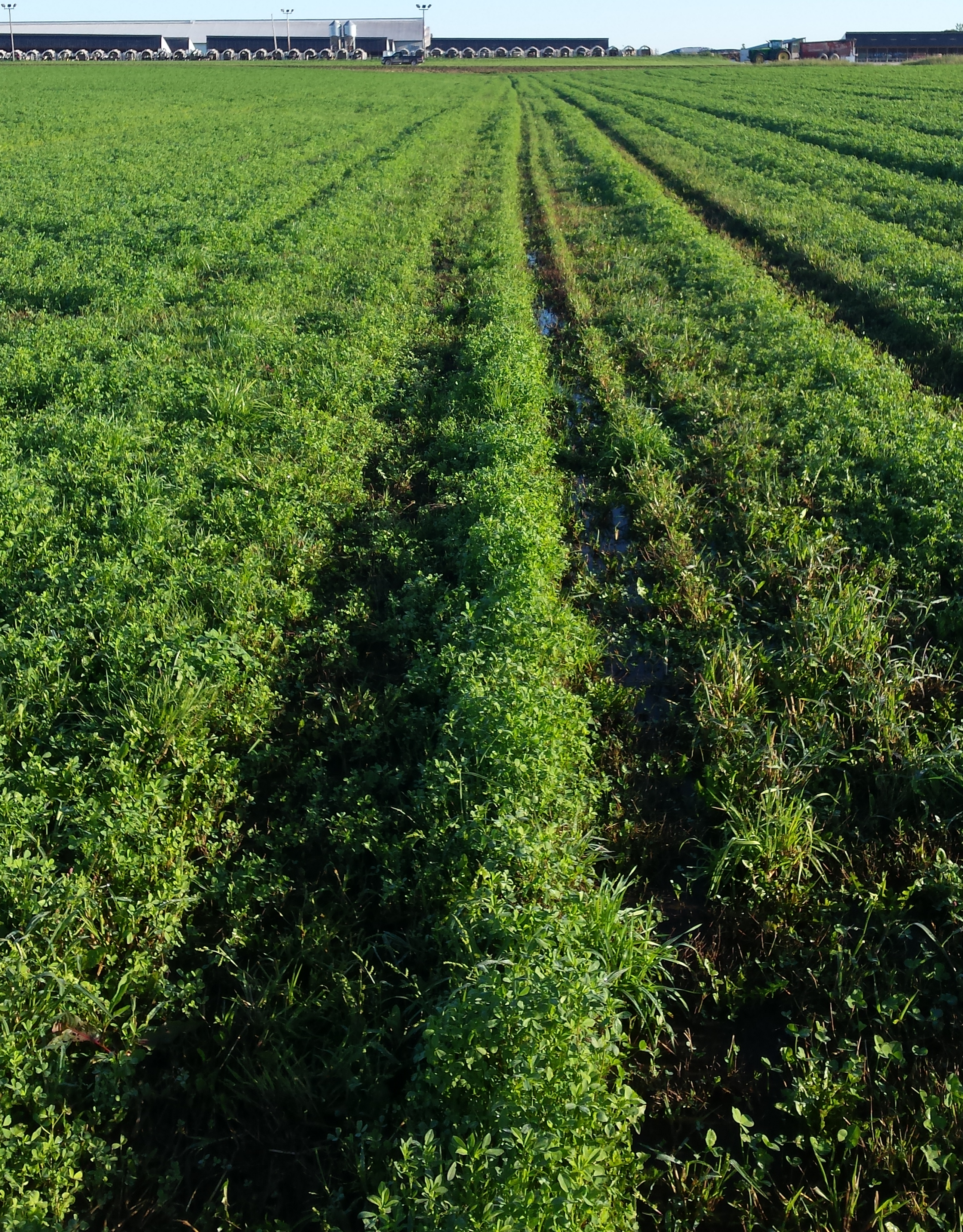
From: Todd Koss [mailto:btkoss14151@yahoo.com]
Sent: Friday, September 30, 2016 2:46 PM
To: Holtz, Bradley P - DNR
Cc: Don Niles; Joe Denil; Ryan Debroux; Todd Koss
Subject: Fw: Manure spill 9-12

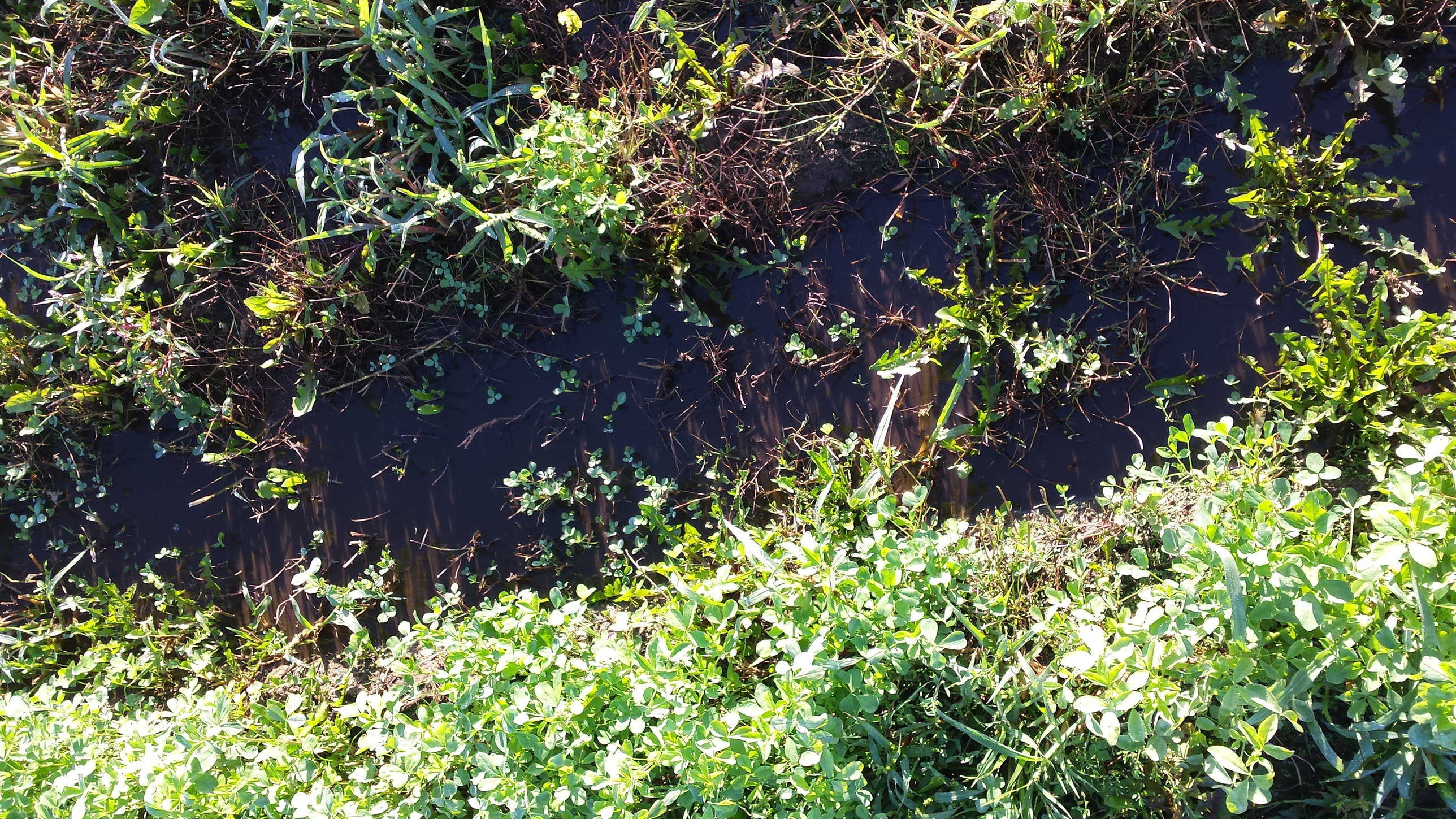
----- Forwarded Message -----
From: Joe Denil <dairydreamsjoe@gmail.com>
To: Ben Koss <btkoss14151@yahoo.com>
Sent: Thursday, September 29, 2016 3:18 PM
Subject: Manure spill 9-12

Hi Brad:
Dairy Dreams manure incident 9-12-2016 final report.

On 9-12-16 it was discovered that a hose on the Digester sprung a leak. It is estimated that 12000.00 to 15000.00 gallons of manure ran through the yard in the 1000 ft underground culvert designed to take in rain water from the farm yard. The manure then flowed into the ditch on cardinal rd where it crossed the road in another culvert and then it entered Field DD-4 which is in hay. The manure fanned out into the field for about 500 Ft. Ryan Debroux was called he came with a 5000 gallon vacuum tank. The crew used 20000.00 gallons of

water to flush the culverts out. A sand dam was used as a point to suck up the flush water. The recovered fluid was then dumped into the sand separator system, which eventually going to end up in the manure pit system. No flushing of the manure that made it in the field, the alfalfa will use the nutrients provide by the spill. Brad Holtz from the DNR visited the site and was satisfied with the clean up. I have included some picture of this incident.





State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster St.
P.O. Box 7921
Madison, WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

VIA EMAIL

Date: September 13, 2016

Attention: Don Niles, Dairy Dreams LLC

Spill Reference: 20160912NE31-1

Date of Spill: September 12, 2016

Dear Mr. Niles:

The Wisconsin Department of Natural Resources ("Department") was notified that a hazardous substance spill occurred on the date and location referenced above. You have received this correspondence because based on the available information the Department believes you are responsible for addressing the hazardous substance spill under Section 292.11 Wisconsin Statutes. Wisconsin Statute 292.11(3) states:

> "A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state."

Note, s.292.01(5)Wis.Stats., "Hazardous substance" means any substance or combination of substances including any waste of a solid, semisolid, liquid or gaseous form, which may cause or significantly, contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quality, concentration, physical, chemical or infectious characteristics. This term includes, but is not limited to, substances that are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the department.

Further, s.292.11(3)Wis. Stats., "Discharge" means, but is not limited to spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

This letter describes the legal responsibilities of a person who is responsible under Section 292.11 Wisconsin Statutes, the spill law, and explains what you need to do clean up the spilled material and "minimize the harmful effects" of any remaining contamination. A description of general spill response procedures and lists of treatment and disposal facilities are attached. You have **45 days** from the time the spill was reported to complete this task and send us documentation and proof of what you did to comply.

See NR 708 Wisconsin Admin. Code: http://www.legis.state.wi.us/rsb/code/nr/nr708.pdf for detailed response requirements. More information on the Spill Program and Spill Response is available at the Department internet site: http://dnr.wi.gov/topic/spills/.

The Department recommends you obtain the services of an environmental contractor and/or consultant who can properly manage this clean-up and knows how to help you to comply with the law. A list of environmental consultants and spill contractors that respond to spills is attached to this letter. A more complete list is available at http://dnr.wi.gov/files/PDF/pubs/rr/RR024.pdf. Environmental consultants and contractors can also be located through the internet and local phone directory.

Based on the information available about the spill and the actions taken by you to clean up the spill, the Department will determine if further investigation or cleanup is necessary. Do not wait for Department approval to take appropriate action, but do contact us if you have questions or need other assistance. If you want a formal written response from us for a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code.

It is important that you keep the Department informed of your actions to clean up this spill. We prefer to work cooperatively with people to work through these events and get these projects done. Please know that failure to provide documentation of your actions is a violation of Wisconsin Administrative Code requirements and may result in enforcement actions against you. Please send all correspondence to me at the address on the above letterhead.

The Department appreciates your quick action to initial actions to address this situation. If you have any questions regarding this notification or Wisconsin's requirements for spill cleanup, please contact me at (608) 267-7570

Sincerely,

Jason B. Lowery
Northeast Spill Coordinator
Wisconsin Department of Natural Resources

Spill Response Contractors Sorted by City (August 2015)*

Johns Repair & Towing	Appleton	920-720-0084
MSA Professional Services	Baraboo	608-356-2771
Clean Harbors	Butler	800-645-8265
Stantech	Crivitz	715-854-3360
Schroeder Environmental Cleaning	De Pere	920-435-1773
Barr Engineering	Duluth, MN	218-529-8208
Bay West Inc	Duluth, MN	800-279-0456
Environmental Troubleshooters	Duluth, MN	218-722-6013
MSA Professional Services	Duluth, MN	218-722-3915
West Central Environmental Consultants	Duluth, MN	888-923-2778
WRR (Waste Research/RESCO)	Eau Claire	800-669-4162
Meridian Environmental Consulting	Fall Creek	715-579-0723 (cell)
Engle & Associates	Fond du lac	920-929-9279
Future Environmental	Franklin	414-761-9421
Terracon	Franklin	414-423-0255
West Central Environmental Consultants	Fridley, MN	800-422-8356
North Shore Environmental	Germantown	262-255-4468
Veolia Special Services	Germantown	800-688-4005
AECOM	Green Bay	920-468-1978
DeBroux Custom Work (Manure)	Green Bay	920-655-4517
Endeavor Environmental	Green Bay	920-437-2997
Johns Repair & Towing	Green Bay	920-720-0084
Stantech	Green Bay	800-854-0606
Veolia Special Services	Greenville	800-688-4005
OSI Environmental	Kaukauna	920-759-0252
Braun Intertec	LaCrosse	800-856-2098
METCO	LaCrosse	800-552-2932
SCS (BT2)	Madison	608-224-2830
Seymour Environmental	McFarland	608-838-9120
PSC Industrial Cleaning	Menomonee Falls	312-485-0806
Stantech	Mequon	262-241-4466
AECOM	Middleton	608-836-9800
SET Environmental	Middleton	877-437-7455
AECOM	Milwaukee	414-944-6080
Sigma Environmental	Milwaukee	414-643-4200
Johns Repair & Towing	Neenah	920-720-0084
SET Environmental	OakCreek	877-437-7455
AECOM	Oshkosh	920-235-0270
MSA Professional Services	Rhinelander	715-362-3244
Sand Creek Consultants	Rhinelander	715-365-1818
Trans Environmental	Rockford, IL	815-885-4840
Central Wisconsin Engineers	Schofield	715-359-9400
AECOM	Sheboygan	920-458-8711
Veolia Special Services	Sheboygan	800-688-4005
AECOM	Stevens Point	715-341-8110
Doug's Trucking & Excavating	Strum	715-695-2933
Natural Resource Engineering	Superior	715-399-3250
REI Engineering Inc	Wausau	877-734-7745
Chief Industrial Services	Winneconne	920-582-7596
PSC Industrial Cleaning	Wisconsin Rapids	715-423-5700
Wenck Response Services	Woodbury, MN	800-368-8831

*This list is for public reference only It not include all available service providers nor does inclusion in this list imply a recommendation of the firms listed over others not listed. There is no certification for environmental companies in Wisconsin. This list is not an endorsement by the WDNR.

Landfills

Landfill Name	City	Telephone
Outagamie County Landfill	Appleton	920-832-5277
Sauk County Landfill	Baraboo	608-524-6515
Valley Trail Landfill	Berlin	920-361-4995
Jackson County Sanitary Landfill	Black River Falls	715-284-2262
Green County Landfill	Brodhead	608-897-8605
Timberline Trail	Bruce	715-868-7000
Mar-Oco Landfill	Crivitz	715-732-7535
Mallard Ridge Landfill	Delavan	262-724-3257
Superior Seven Mile Landfill	Eau Claire	715-839-5096
Brown County Transfer Station	Green Bay	920-492-4950
Veolia Es Hickory Meadows Landfill	Hilbert	920-853-8553
Glacier Ridge Landfill	Horicon	920-387-0987
Rock County Landfill	Janesville	608-755-3128
Kewaunee County Landfill (Balefill)	Kewaunee	920-388-2223
Dane County Landfill #2	Madison	608-266-4029
Mar-Oco Landfill	Marinette	715-732-7535
Lincoln County Landfill	Merrill	715-536-9636
Monroe County Landfill	Norwalk	608-269-8783
La Crosse County Landfill	Onalaska	608-785-9572
Winnebago Cnty Sunnyview Landfill	Oshkosh	920-232-1810
Northwoods Sanitary Landfill	Rice Lake	715-458-4565
Lake Area Disposal	Sarona	715-469-3356
Shawano Cnty Landfill	Shawano	715-526-3512
Madison Prairie/Waste Mgt Landfill	Sun Prairie	608-837-9031
Vernon County Landfill	Viroqua	608-634-2900
Deer Track Park Landfill	Watertown	920-699-3475
Wmwi – Ridgeview Landfill	Whitelaw	920-732-4473
Cranberry Creek Landfill	Wis Rapids	715-421-3966
Cranberry Creek Landfill	Wisconsin Rapids	715-421-3966

Thermal Treatment Plant/Asphalt Plants

Plant Name	City	Telephone
Eau Claire Asphalt Corporation	Eau Claire	715-835-4858
Clark County Hwy. Department	Neillsville	715-743-3680
Mathy Construction	Eau Claire	608-783-6411
Monarch Paving Company	Wausau	715-693-5200
American Asphalt of Wisconsin	Mosinee	715-693-5200
D. L. Gasser Construction, Inc.	Lake Delton	608-254-8333
Monarch Paving Company	New Richmond	715-268-2687
Trempealeau County Highway Dept.	Whitehall	715-538-2311
American Asphalt of Wisconsin	Wausau	715-693-5200
BACCO Construction Company	Iron Mt., MI	906-774-2616
Eau Claire Asphalt Corporation	Eau Claire	715-835-4858
Lakehead Blacktop & Materials of Superior	Superior	715-392-3844
Mathy Construction Company, Plants	Onalaska	608-783-6411
Monarch Paving Company	Wausau	715-693-5200
Pitlik & Wick Contractors	Eagle River	715-479-7488
Rusk County Hot Mix Plant	Ladysmith	715-532-2633
Senn Blacktop Inc./Twin City Materials, Inc.	Chippewa Falls	715-723-7928

GENERAL SPILL RESPONSE PROCEDURES

A quick response to a spill is necessary to reduce damage to your property, to neighboring properties, and to the environment. The more promptly a spilled substance is removed from the environment, the easier and less costly it is to clean up. The following list identifies some of the work activities that should be completed during a spill response.

Site Security:

- Restrict access of non-essential personnel to the site or facility.
- Identify any immediate dangers or risks to people in the area.
- Take appropriate safety measures to protect on-site personnel and the general public.

On-site Spill Assessment:

- Identify the material(s) spilled. Shipping papers and Material Safety Data Sheets (MSDS) are examples of sources for this information.
- Identify, mitigate and continue to monitor fire, explosion and vapor hazards, including venting of enclosed areas.
- Estimate the quantity of how much has been spilled. If this is not possible, determine the largest volume that may have been lost (e.g. the size of the container).
- Identify any on-site or nearby environmentally sensitive areas such as surface waters, wetlands, drainage ditches, drinking water wells, etc.

Containment:

- Prevent further discharges and contamination to the environment.
- Surface Waters: Every effort must be made to prevent petroleum and other chemicals from entering surface waters (storm sewers, ditches, lakes, and streams). If petroleum has entered water, absorbent booms and dikes must be used to prevent it from getting into the main flow of a stream or lake. The responsible party must monitor dikes and replace the booms as necessary.
- Ground Water: If the potential exists for ground water impact, the responsible party must immediately retain an environmental consultant to evaluate the site and submit a site investigation work plan to the Department of Natural Resources petroleum spills project manager in that area.
- Contain, control, and remove contaminated materials. Such actions may include, but are not limited to:
    - Soaking up liquids with absorbents (See Attachment for a listing of absorbent suppliers).
    - Using skimmers or other mechanical collectors for floating solids or liquids.
    - Using vacuum dredging for sunken solids or liquids.
    - Aerating contaminated waters and soils.
    - Excavating, treatment, storage or disposal of contaminated soil, and
    - Installing recovery trenches or wells for collection of free product.
    - Conduct a visual inspection of soils or groundwater at the site or facility to identify areas of obvious contamination.
    - Protect the spilled materials from weather conditions that may affect the chemical state, composition, or movement of the hazardous substance.

CLEANING UP THE SPILLED SUBSTANCE AND CONTAMINATED SOIL

To ensure that your clean up complies with Wisconsin's laws and rules, we recommend you hire a trained professional environmental consultant who understands what needs to be done. (See attached list of emergency spill contractors.) You may conduct the spill response clean up on your own. However, please be aware that the following requirements, regulations, and permits may apply.

SOIL EXCAVATION

Soil excavation may be required if any of the spilled material has seeped into the ground. If the spill has just occurred, you may be able to visually inspect the ground for signs of contamination and require soil removal as necessary. In larger spills or spill incidents that are several days old, a consultant must be retained to define the vertical and lateral extent of the contamination. Laboratory samples may be necessary, depending on the type and quantity of material involved in the spill. Additional sampling guidance can be obtained from the Regional Spills Coordinator.

SOIL REMOVAL PERMIT REQUIRED ALONG HIGHWAYS

The Department of Transportation (DOT) requires a permit whenever clean up involves work on a DOT right-of-way. Generally this applies only to major spills where a private contractor (rather then the County Highway Department) is involved. DOT wants to ensure that signing, traffic control and shoulder/road repairs are completed safely and legally. DOT wishes to emphasize that they will not delay a clean up while the permit is being processed, but that a courtesy call to them will help expedite proper restoration of the traffic corridor and the environment. Contact should also be made with local law enforcement authorities for directions on traffic control during clean up.

TRANSPORTATION OF CONTAMINATED SOIL/HAZARDOUS WASTE

A solid waste collection and transportation service operating license is required under NR 502.06 WI Adm. Code whenever excavated contaminated soils are transported. (See exception below) For more information on transportation of contaminated soil/hazardous waste contact the Northern Region Spills Coordinator. Exception: Responsible parties may transport contaminated soil in their own vehicles without a soil waste collection and transportation operating license, if the contaminated soil is hauled to a licensed solid waste storage, treatment or disposal facility.

SOIL DISPOSAL

Soil disposal is usually accomplished through land filling, biopiles, or incineration. (See the attached lists of approved facilities for these options.) Analytical sampling and testing is generally required prior to receiving approval for disposal of the soil.

If the release or spilled hazardous substance is a known petroleum product, a Department employee may be able to work with you and a nearby landfill, asphalt plant or thermal treatment unit to have the petroleum contaminated soil immediately transported to the facility for temporary storage, treatment or disposal. In this situation, the attached "Preapproval Statement for Processing Petroleum Contaminated Soil in Landfills, Asphalt Plants or Thermal Treatment Units" shall be signed by a Department employee.

SOIL STORAGE or TEMPORARY STOCKPILING OF CONTAMINATED SOIL may be required if the responsible party must wait for soil testing results or is unable to immediately locate a disposal site. Soil can be stored in a covered dump truck, covered roll-off box, or on an impermeable base such as 6mm plastic, asphalt, or concrete and covered with 6-mm plastic secured against the weather. A berm must be constructed around the stockpile to contain runoff.

DOCUMENTING YOUR SPILL RESPONSE

The responsible party shall send a report summarizing their response activities to DNR Northern Regional Spills Coordinator within 45 days of the incident. The following information shall be included in the spill response summary:

- A statement expressing the purpose of the submittal and the desired department action or response.
- Name, address, and telephone number of the responsible parties.
- Date and time of the release, spill, or discharge.
- Location of the site or facility, or discharge incident, including street address and municipality; quarter-quarter section; and legal description of lot if located in platted areas.
- The type and amount of hazardous substance discharge (best estimate).
- Actions taken to stop, contain, and clean up the spill.
- Sketch of the site or a map indicating relevant features (e.g. area of spill, tanks, streams, storm drains, etc.)
- Results of any sampling conducted to confirm the adequacy of the response.
- Documentation of treatment or disposal (landfill receipts, scale tickets, shipping papers, disposal records)
- Any other information that the department considers relevant.

A more comprehensive list of information to be submitted can be found in NR 708.05(6) WI Adm. Code

From the final report, the department shall decide if additional work is required. The decision for further work will be based on the criteria listed in NR 708.09 Wis. Adm. Code. If further work is needed, the department will notify you in a letter. At that time, an environmental consultant may have to be hired to perform the work.

Basic permits and requirements have been outlined above. If you have other questions regarding your required spill response and clean up, please contact the Regional Spills Coordinator.

GENERAL MANURE SPILL RESPONSE PROCEDURES

A quick response to a spill is necessary to reduce damage to your property, to neighboring properties and to the environment. Although manure and process wastewater are generally not considered hazardous substances, they can be hazardous if it poses a threat to the environment or human health. The more promptly a spilled substance is removed from the environment, the easier and less costly it is to clean up. The following list identifies some of the work activities that should be completed during a spill response.

Site Security:

- Restrict access of non-essential personnel to the site or facility.
- Identify any immediate dangers or risks to people in the area (i.e. road spillage hazards, tanker rollover accident scene, clean up equipment, storage failure potential, etc.)
- Take appropriate safety measures to protect on-site personnel and the general public.

On-Site Spill Assessment:

- Estimate quantity of manure or process wastewater spilled. Determine the largest volume that may have been lost. Base the estimate on known volumes (e.g. tanker capacity), rate and duration of spill, or approximate levels in structures before and after the spill.
- Identify any on-site or nearby environmentally sensitive areas such as surface waters, wetlands, drainage ditches, drinking water wells, shallow bedrock areas, tile inlet structures, etc.
- Assess the extent of impacts (potential and unknown). If manure has reached surface waters or tile inlets, follow manure path downstream, inspect downstream outlets, road crossings and/or assess extent to which manure has affected a wetland area.

Containment:

- Stop source of the manure spill to prevent further discharges to the environment. Use valve shut-offs, shut off reception tank pumps, etc. Call for professional assistance to determine source of spill if necessary. For land application runoff, stop further migration of manure off the field by plowing/tilling up soil and/or installing dams to slow or diffuse or spread out manure runoff.
- Install temporary berms (upstream and downstream) and sumps to stop further migration of manure. Every effort must be made to prevent manure from entering surface waters or ground water.
- Contain, control and remove the spilled manure. Such actions may include but are not limited to:
    - Multiple collection sumps for vacuum trucks to recover manure.
    - Flushing of manure spill flow paths with clean water to a collection point where manure and flush water are recovered.
    - Manual scraping of manure solids with equipment or hand tools.
    - Temporary diversions of clean water (storm water or upstream flow) away from spill site to minimize volume of impacted surface waters.
    - Diversions around private wells, tile inlets or shallow bedrock features to prevent manure from ponding around or near them.

Cleaning up the Spilled Manure

- In most manure spill cases, soil excavation in areas of a manure spill is not recommended unless are large volume has seeped into the ground (sandy soils). Flushing with clean water to remove residual manure and collecting flush water is preferred over disturbing soil and vegetation in ditch areas. You need to pressure flush with as much water as it takes to remove the solids.

- Recovered manure and flush water should be land applied according to a nutrient management plan or placed in an appropriate manure storage facility if conditions are not suitable for land application. If necessary, consult with DNR or the County Land and Water Conservation Department to determine an appropriate means of handling the recovered manure and flush water.
- Proper restoration of any disturbed areas is necessary; work closely with affected property owners or local authorities to ensure road ditches are restored to pre-spill conditions.

Documenting Your Spill Response

The responsible party shall send a report summarizing their response activities to the DNR Regional Spills Coordinator within 45 days of the incident (NOTE: If a WPDES CAFO facility, you must also send the report to the assigned DNR Agricultural Specialist). The following information shall be included in the spill response summary:

- Name, address and telephone number of the responsible parties.
- Date and time of the spill or discharge.
- Location of the site or facility, or discharge incident, including street address, municipality and PLSS description down to quarter-quarter section.
- The type (manure, process wastewater, feed leachate, etc.) and amount of material spilled (best estimate).
- Actions taken to stop, contain and clean up the spill. Be as specific as possible.
- Sketch or site map indicating relevant features (i.e. area impacted by spill, source of spill (storage structure, manure transfer system, hose break location), etc.).
- Documentation of clean-up and disposal actions (i.e. volume log of recovered materials, contractor receipts, etc.). Documentation shall include photos during and after clean-up.
- Documentation and outcome of any notifications made to local government authorities, neighbors, etc.
- Information on what caused the spill and how you will prevent future spills/discharges.
- Any other information the Department considers relevant (i.e. field application rates/conditions; engineering repairs, etc.).

DAIRY DREAMS LLC

Legend

- Open Site (ongoing cleanup)
- Open Site Boundary
- Closed Site (completed cleanup)
- Closed Site Boundary
- Groundwater Contamination
- Soil Contamination
- Groundwater and Soil Contamination
- Contamination from Another Property
- Dryclean Environmental Response Fund (DERF)
- Green Space Grant (2004-2009)
- Ready for Reuse
- Site Assessment Grant (2001-2009)
- State Funded Response
- Sustainable Urban Development Zone (S
- General Liability Clarification Letters
- Superfund NPL
- Voluntary Party Liability Exemption
- PLSS Townships
- PLSS Sections
- PLSS Q-Q Sections
- Rivers and Streams
- Open Water
- Municipality
- State Boundaries
- County Boundaries
- Major Roads

0.3 0 0.13 0.3 Miles

NAD_1983_HARN_Wisconsin_TM

1: 8,174

Note: Not all sites are mapped.

Notes

RED DOT: SPILL LOCATION
WTM: 711431, 468065